

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ORDER

Before the Court are the Report and Recommendation of the United States Magistrate Judge Gary M. Purcell [Doc. No. 14] and Plaintiff's Objection to the Report and Recommendation [Doc. No. 15]. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Court reviews the Report and Recommendation *de novo* in light of Plaintiff's Objection.

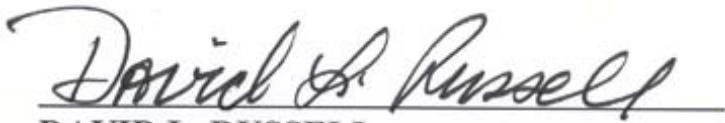
In his Objection, Plaintiff states that he has shown every attempt to pay the filing fee and that Lawton Correctional Facility owned by Defendants has refused to issue the check for his filing fee. He also states that he has shown his indigency and been granted leave to proceed *in forma pauperis*.

The latter statement by Plaintiff is true, and as a consequence, Plaintiff was only ordered to make an initial payment of \$36.45 toward payment of the filing fee. Plaintiff was initially ordered to pay that amount by September 18, 2012, or show cause why he was unable to make the required payment. He was later granted an extension of time until October 5, 2012 to make the required payment of \$36.45. Plaintiff has stated only that the DOC refused to write a check for the \$350.00 filing fee, which Plaintiff was never required

to pay in a lump sum. Plaintiff has still wholly failed to pay the initial partial filing fee or show cause why he is unable to make that payment.

Accordingly, Plaintiff's Objection is without merit, the Report and Recommendation of the Magistrate Judge [Doc. No. 14] is ADOPTED and Plaintiff's Complaint is DISMISSED without prejudice to refiling.

IT IS SO ORDERED this 26th day of October 2012.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE